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SUBJECT: ILO - BURMA: CONFERENCE SEES MINIMAL STEPS BUT LITTLE REAL
PROGRESS IN ENDING FORCED LABOR

¶1. SUMMARY. The ILO Committee on the Application of Standards considered the situation of forced labor in Burma in its special sitting during the 96th International Labor Conference, June 4, ¶2007. The Burmese ambassador said nothing about real steps in ending forced labor. He focused solely on the Supplementary Understanding (SU) between Burma and the ILO, signed on February 26, 2007, which, he said, was effective in submitting forced labor complaints to prompt legal action. Employers and workers considered the SU a positive, but very limited step. They focused on Burma's continuing failure to implement any of the recommendations of the 1998 ILO Commission of Inquiry. Workers' comments were particularly caustic, not only on Burma but on multinationals doing business there. Governments' statements, except the U.S. and Canada's, were weak. END SUMMARY.

¶2. Burma's ambassador seemed to take the Supplementary Understanding, in effect for a one-year trial period, as an end rather than a means to address the forced labor problem. His opening and closing remarks ignored all other relevant issues. The regime, he said, was "considering staff increases" for the ILO's Office in Rangoon, per the Supplementary Understanding. He labeled the Free Trade Unions of Burma terrorists, implying that the repression of opposition was a national security matter.

¶3. Representatives of both employers and workers emphasized that the 1998 Commission of Inquiry's recommendations and those of the 2000 International Labor Conference's resolution should be the proper focus of the special sitting. The employers held that Burma's Village and Towns Act must be amended or repealed. In a litany of accusations against named multinationals and governments, workers implied that U.S. and EU multinationals operating in Burma were, at best, creating conditions favorable to the practice of forced labor and, at worst, conniving in the practice. They provided various estimates of the number of forced labor abuses since February (3,405), primarily in biofuel and rubber tree plantations or perpetrated by the military. The workers (the only ones to do so) mentioned the potential referral of Burma's forced labor practices to the International Court of Justice. A Singapore worker representative aptly warned that the committee was diverting its attention to counting the number of complaints since February's SU and losing sight of its goal, eradication of forced labor.

¶4. For the most part, government statements focused on the SU. Most governments praised short-term progress: positive signs in the mechanism (Germany/EU); a "spirit of cooperation" as the beginning

of a whole process (Japan); "commendable cooperation" (India); dialogue is the best approach (Belarus); "progress working" (China); more prosecutions will lead to Burmese people's confidence in the mechanism (Australia). The United States (see below) and Canada took a firmer line, keeping the focus on the long-term goals, not only an end to forced labor, but the enfranchisement of democracy and freedom for detained civil society leaders, including Aung San Suu Kyi. Canada opened remarks by noting the 17th anniversary of the last democratic elections, overwhelmingly won by Aung San Suu Kyi, and emphasized that forced labor, as well as actions against labor unionists such as Su Su Nwe, must be seen in the wider context of systemic abuse of human rights in Burma.

15. Committee conclusions cited profound concern about continuing and pervasive forced labor, and the risk that those guilty of perpetrating forced labor could get off with administrative, rather than criminal, punishment. Again putting Burma on the November ILO Governing Body's agenda, the organization asked for concrete and verifiable progress to meet the recommendations of the 1998 Commission of Inquiry. The Committee thanked ILO Liaison Officer ad interim, Richard Horsey, for five years of service, and welcomed appointment of Steven Marshall as his successor, as of July 1, 2007.

16. U.S. Statement:

The United States thanks the Office for its summary of developments since June 2006 and its update of developments since the Governing Body last considered this issue in March.

We note with interest that the complaint mechanism, established under the Supplementary Understanding, has been put into practice. We are encouraged that, according to latest reports, the Liaison Officer ad interim has received 25 complaints. At the same time,

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since relatively few cases have reached a conclusion that the Liaison Officer has been able to confirm, it is obviously premature to judge whether the mechanism is producing real and meaningful results.

That process requires continuing effort. It requires continued, unrestrained access by complainants to the Liaison Officer and proof that complainants are not being subjected to harassment or punishment for their complaints. It requires proof that those who impose forced labor are punished and that the punishment is appropriate to the seriousness of the act. It requires strengthening of the staff of the Liaison Office to deal with the obviously increased workload. In this regard, we note with concern that, at the time the Office's report was finalized, the ILO's request for suitable international staff to assist the Liaison Officer had not been acted upon. We hope we are not seeing a return to the practice of delay and deception we have seen too often in the past. The authorities should act expeditiously to facilitate the necessary staff expansion of the ILO Liaison Office, in keeping with the commitment they made in the Supplementary Understanding.

As we review developments within the scope of the Supplementary Understanding, we need to remind ourselves that these are still small and preliminary steps, and that the goal that ILO members have kept in our sights for years -- the complete elimination of forced labor in the country -- is still distant. Nearly a decade ago, the Commission of Inquiry specified the steps the authorities must take to reach this goal. They must implement these steps. We also need to recognize that the goal of the end of forced labor is inextricably bound to progress in allowing the country's people their democratic rights, which includes freedom for Aung San Suu Kyi and other civil society leaders.

We members of the ILO also have responsibilities. The United States, for its part, has taken action. Within the past week, President Bush extended for another year stiff economic and travel sanctions against the regime.

Finally, Mr. Chairman, we would like to acknowledge the dedication, courage, and compassion that the Liaison Officer ad interim, Mr.

Richard Horsey, has devoted to the cause of eliminating forced labor in Burma for the last five years. We hope that the mechanism he has overseen will prove to be the real beginning of positive change. We also welcome the appointment of Mr. Stephen Marshall to replace Mr. Horsey. We know that he will apply the same measure of dedication and skill to the task, and we offer him our full support as he works to advance what Mr. Horsey has so ably begun. End statement.

17. Comment: Governments took the booby prize in this discussion. It took the employers spokesman to put the focus where it belongs, on real and demonstrable steps to end forced labor. The workers, usually the most vehement party in these discussions, wasted some of their capital on long-winded statements and ill-advised ventures into naming corporations (which earned a reprimand from the chair) and into ILO conventions that were not within the purview of this special sitting. The Committee's conclusions, fortunately, focused succinctly on the issue -- virtually no real progress has been made against forced labor in Burma.
Tichenor